

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

IN RE:)
) SENTENCING PROCEDURES
BUSINESS OF THE COURT)

Administrative Order

In accordance with applicable federal statutes and the United States Sentencing Guidelines, the following procedures are established for the handling of all sentencing hearings in the United States District Court in the Eastern District of Missouri. This Administrative Order is to provide clear and consistent procedures and to promote fairness and transparency in sentencing of all criminal cases. Further, this Administrative Order provides adequate time for the U.S. Probation Office’s preparation of the presentence report (PSR), disclosure of the PSR to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the Sentencing Guidelines, 18 U.S.C. § 3553(a), and this Order.

IT IS HEREBY ORDERED that:

1. When a defendant pleads guilty pursuant to a plea agreement, unless otherwise ordered by the Court, counsel for the defendant and the government must submit a written stipulation of facts relevant to sentencing. Per USSG §6B1.4, the stipulation must: set forth the relevant facts and circumstances of the actual offense conduct and offender characteristics; not contain misleading facts; and set forth with meaningful specificity the reasons why the anticipated sentencing range resulting from the plea of guilty is appropriate. To the extent that

the parties disagree about any facts relevant to sentencing, the stipulation must identify the facts that are in dispute.¹

2. When a defendant pleads guilty without a plea agreement, the factual stipulation need not be in writing and may be limited to only the specific factual elements of the offense.

3. Pursuant to Federal Rule of Criminal Procedure 11(c)(3)(A), acceptance of a plea may be delayed by the District Judge pending receipt of the PSR.

4. In accordance with the provisions of the Federal Rule of Criminal Procedure 32, to provide adequate time for the U.S. Probation Office's preparation of the presentence report, disclosure of the PSR to the parties, the filing of presentence submissions by the parties, and such other further procedures, sentencing deadlines in the Eastern District of Missouri are as follows:

a. ***Sentencing date.*** The District Judge must set a sentencing hearing no earlier than 90 days after the day of a plea or verdict of guilty, except when otherwise required by law, or upon the request of all parties, including the U.S. Probation Office, and with the Court's concurrence.

b. ***Restitution questionnaire.*** Within 5 days of an acceptance by the Court of a plea, or finding of guilt by the judge or jury, the attorney for the United States must file with

¹ The Commentary to USSG §6B1.4 provides:

The stipulation must fully and accurately disclose all factors relevant to the determination of sentence. This provision does not obligate the parties to reach agreement on issues that remain in dispute or to present the Court with an appearance of agreement in areas where agreement does not exist. Rather, the overriding principle is full disclosure of the circumstances of the actual offense and the agreement of the parties. The stipulation should identify all areas of agreement, disagreement and uncertainty that may be relevant to the determination of sentence. Similarly, it is not appropriate for the parties to stipulate to misleading or non-existent facts, even when both parties are willing to assume the existence of such "facts" for purposes of the litigation. Rather, the parties should fully disclose the actual facts and then explain to the Court the reasons why the disposition of the case should differ from that which such facts ordinarily would require under the guidelines.

the Court, on a form provided by the Clerk, a restitution questionnaire for each defendant, setting forth the victims' names, addresses, dates of birth, and social security numbers, and the specific amount of restitution due to each victim. No unidentified victims must be listed on the restitution questionnaire. Any supplemental documentation must be appended to the restitution questionnaire. The questionnaires must be filed electronically via CM/ECF under seal, to avoid disclosure of personal identifiers in the public file. Counsel for the United States must provide a redacted copy of the restitution questionnaire to defense counsel on the day of filing.

c. ***PSR affidavit & interview.*** No later than 5 days after a plea or verdict of guilty, defense counsel must submit the financial affidavit required by 18 U.S.C. § 3664(d)(3) to the U.S. Probation Officer and request a PSR interview.

d. ***Disclosure presentence report.*** The PSR or a resentencing PSR (if applicable) will be completed, and a copy electronically delivered via CM/ECF to counsel for the defendant and the United States, at least 35 days before the scheduled sentencing hearing. It is the responsibility of the defendant's attorney to provide a copy of the disclosure PSR to the defendant. Except for the recommended conditions of supervision, the U.S. Probation Officer's recommendation as to sentence will not be disclosed.

e. ***Informal responses to the PSR.*** Upon disclosure of the PSR, the parties must pursue informal resolution of any objections thereto, including, but not limited to, disputing sentencing factors or facts material to sentencing or seeking the inclusion of additional factors or facts material to sentencing, by conferring with opposing counsel and the U.S. Probation Office. To the extent possible, disputes concerning material sentencing factors or facts must be addressed through informal procedures, such as telephone conferences, which must be promptly confirmed in writing by the party raising the issue. Informal resolution must be pursued before

any formal objection is filed. Compliance with this requirement is mandatory. Failure to do so may result in waiver of the objection.

f. ***Formal responses to the PSR.*** No later than 14 days after disclosure of the PSR, after attempts at informal resolution have been exhausted, each party must file a written response to the disclosure presentence report. A party with no objection to the PSR must file an acceptance of the PSR. A party whose objection has not been resolved after attempts at informal resolution per paragraph 4(e) of this Order may file a pleading entitled “Objection to Presentence Report,” stating each unresolved objection with specificity in its own numbered paragraph. In the pleading, the objecting party must certify that it has conferred with opposing counsel and with the U.S. Probation Office as required by this Order.

g. ***Responses to objections to the PSR.*** If either party files an objection to the PSR, the opposing party must file a written response to such objection no later than 7 days after its filing. Failure to respond in writing will be construed as consent to the objection. The response must include notice of any argument or evidence the responding party intends to present in opposition to the objection at the sentencing hearing. No replies will be permitted unless expressly authorized by the Court.

h. ***Preliminary order of forfeiture.*** No later than 14 days after disclosure of the PSR, any motion for preliminary order of forfeiture must be filed electronically via CM/ECF. This allows for the Court to enter the preliminary order in advance of sentencing and allows the parties to suggest revisions or modifications before the order becomes final as to the defendant. *See Fed. R. Crim. P. 32.2(b)(2)(B).*

i. ***Sentencing memoranda.*** No later than 14 days before the sentencing hearing, a party may file a memorandum to the Court, providing legal and factual bases for its

sentencing recommendation in light of 18 U.S.C. § 3553(a). Any written response to a sentencing memorandum must be filed no later than 7 days before sentencing.

j. ***Final Presentence Report.*** No later than 7 days before the sentencing hearing, the U.S. Probation Office must docket the final PSR or final resentencing PSR (if applicable). The final PSR must include an addendum indicating any unresolved factual disputes or objections by the parties to the contents of the PSR. It is the responsibility of the defendant's attorney to provide a copy of the final PSR to the defendant.

k. ***All other sentencing-related filings.*** The parties must file all other sentencing-related filings no later than 7 days before the sentencing hearing. Such filings may include, but are not limited to:

i. Notice of any witness testimony anticipated at the sentencing hearing.

ii. Notice of any non-standard time requirements, e.g., for presentation of witness testimony or victim impact statements.

iii. Any letters of support for the defendant.

iv. Any written victim impact statements.

5. To minimize invasion of privacy and prevent unjust defamation, degradation, or discrediting of the defendant or contributing agencies and individuals or corporations, the parties and their counsel must not disseminate the PSR, a confidential court document, or information contained therein—except that, pursuant to 18 U.S.C. §§ 3553 and 3663, the Court and the parties may discuss the PSR in their sentencing memoranda and at the sentencing hearing. Unauthorized dissemination will be an act in contempt of court and may be punished accordingly. If a party seeks sealing of any other filing related to sentencing, its motion must

comply with Eastern District of Missouri Local Rule 13.05 and must be filed contemporaneously with the material for which sealing is sought.

6. Every party to a criminal proceeding in the U.S. District Court for the Eastern District of Missouri is obligated to comply with the provisions set forth in this Administrative Order. Non-compliance with any aspect of this Order may result in sanctions to be determined by the Court. Available sanctions include, but are not limited to:

- a. Written admonitions to counsel
- b. Report to CJA committee
- c. Recommendation to remove attorney from CJA list
- d. Rejection of untimely filings
- e. Monetary sanctions for delays caused by attorney non-compliance
- f. Exclusion of evidence or testimony not timely disclosed
- g. Adoption of the PSR without modification

7. The following standard conditions of supervision are adopted by the Court:

a. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame. [For probation cases, the condition is: You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.]

b. After initially reporting to the probation office, you will receive instructions from the court or probation office about how and when you must report to the probation office, and you must report to the probation officer as instructed.

c. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

d. You must answer truthfully the questions asked by your probation officer.

e. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

f. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

g. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

h. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

i. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

j. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury-or death to another person such as nunchakus or tasers).

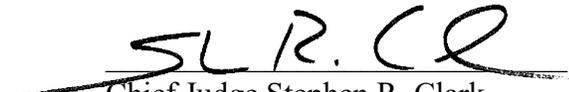
k. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

l. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

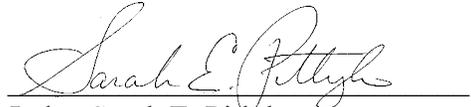
m. You must follow the instruction of the probation officer related to the conditions of supervision.

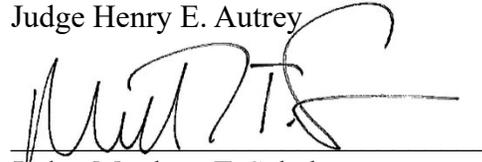
n. You must participate in screenings for any re-entry court as directed by the probation officer.

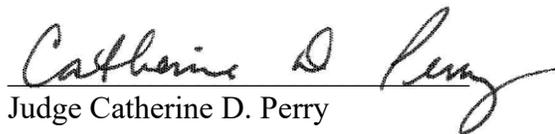
So ordered this 11th day of April 2025.

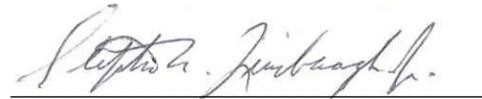

Chief Judge Stephen R. Clark


Judge Henry E. Autrey

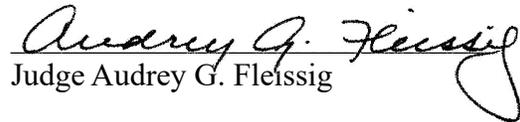

Judge Sarah E. Pitlyk


Judge Matthew T. Schelp


Judge Catherine D. Perry


Judge Stephen N. Limbaugh, Jr.


Judge Rodney W. Sippel


Judge Audrey G. Fleissig


Judge John A. Ross

APPENDIX ONE:

E.D.MO. PRE-SENTENCING DEADLINES

Pre-Sentencing Deadlines	
Restitution questionnaire	5 days post-guilty plea or guilty verdict
Disclosure PSR	35 days pre-sentencing
Preliminary order of forfeiture	14 days post-disclosure PSR
Objection/Acceptance of PSR	14 days post-disclosure PSR
Response to objection	7 days post-objection
Sentencing memorandum	14 days pre-sentencing
Final PSR w/addendum	7 days pre-sentencing
Notice of testimony	7 days pre-sentencing
Letter of support	7 days pre-sentencing
Victim impact statement	7 days pre-sentencing
Response to sentencing memorandum	7 days pre-sentencing